

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
— CONTROL AND OPERATING LEASES/AGREEMENTS —
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision No. 197

Decided: August 22, 2001

Environmental Condition No. 8(A) of Appendix Q of Decision No. 89¹ (Decision No. 89, slip op. at 393-99) requires Applicants, in order to address potential safety impacts at highway/rail at-grade crossings, to upgrade existing warning devices at 86 public highway/rail at-grade crossings as listed in the decision.² As pertinent here, NS is required to: (1) install “Flashing Lights” at the at-grade crossing at Loomis Street in the Town of Ripley, Chautauqua County, NY; and (2) install “4-Quadrant Gates, or Alternative Mitigation such as Median Barriers” at the at-grade crossing located at York Road/SR 74 in Mechanicsburg, Cumberland County, PA. See Decision No. 89, slip op. at 398. Environmental Condition No. 8(A) requires compliance with this provision within 2 years of the effective date of Decision No. 89, or by August 22, 2000. At the request of NS, the Board extended the compliance date for the at-grade crossings at Loomis Street and York Road/SR 74 until August 22, 2001. See Decision Nos. 153 and 157, served on May 31, 2000, respectively.

¹ In Decision No. 89, served July 23, 1998, the Board approved, subject to certain conditions, including environmental mitigation conditions, the acquisition of control of Conrail Inc., and Consolidated Rail Corporation (collectively, Conrail) and the division of Conrail’s assets by CSX Corporation and CSX Transportation, Inc. (collectively, CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS). CSX and NS are referred to as Applicants.

² Alternatively, as provided in Environmental Condition No. 8(A), NS may satisfy this requirement by entering into a Negotiated Agreement with the affected local jurisdiction and the state department of transportation to provide for alternative safety improvements in the vicinity of the identified highway/rail at-grade crossing that achieve at least an equivalent level of safety enhancement.

By letter received at the Board on August 17, 2001, NS has requested a 1-year extension of the deadline provided for in Environmental Condition No. 8(A), until August 22, 2002, for the Loomis Street and York Road/SR 74 at-grade crossings.

With respect to the Loomis Street at-grade crossing, NS states that the New York Department of Transportation (NYDOT) had determined that the preferred alternative for this crossing was closure, and NYDOT asked NS not to install improvements at this crossing until it convened a Regulatory Hearing to address the closure issue. NS advises that, because local support for closure of this crossing has diminished, it does not know what plans by NYDOT and the Town of Ripley for this crossing will be approved. NS further advises that NYDOT has scheduled on-site meetings on August 14 and August 15, 2001, to discuss the Loomis Street and other grade crossings, but that NS does not know the outcome of those meetings. Accordingly, NS requests a 1-year extension of time so that a decision may be reached by NYDOT and the Town of Ripley in the interim. NS also states that it may seek a Negotiated Agreement with NYDOT and the Town of Ripley with respect to the Loomis Street at-grade crossing.

With respect to the York Road/SR 74 at-grade crossing, NS advises that the Pennsylvania Department of Transportation (PennDOT) determined that neither 4-quadrant gates nor median barriers are appropriate for this at-grade crossing due to the road configuration, and that the Pennsylvania Public Utilities Commission would have to conduct a formal review of the proposed crossing improvements and then issue findings and an order. NS states that the Commonwealth recently convened a field conference to evaluate the York Road/SR 74 at-grade crossing and that the Commonwealth has recommended that certain alternative measures be implemented in lieu of the installation of either 4-quadrant gates or median barriers.³ NS states that it is requesting an additional 1-year extension until August 22, 2002, in which to satisfy the requirements of Environmental Condition No. 8(A) for the York Road/SR 74 at-grade crossing so that the Commonwealth may formalize the preferred upgrades for York Road. NS also states that it may seek a Negotiated Agreement with the Commonwealth reflecting the alternative improvements.

The requests for a 1-year extension to August 22, 2002, for the Loomis Street and York Road/SR 74 at-grade crossings are reasonable and will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

³ NS advises that the alternative measures would include extending the crossing gate arms, relocating the signal in the southeast quadrant of the crossing, installing an additional signal in the southwest quadrant of the crossing, and installing 12-inch light units on all signals. NS also states that PennDOT would install pavement markings at the crossing and active advance warning signals in the existing roadway approach that is not currently so equipped.

It is ordered:

1. The compliance deadline for NS in Environmental Condition No. 8(A) with respect to the Loomis Street at-grade crossing in the Town of Ripley, Chautauqua County, NY, is extended 1 year until August 22, 2002.
2. The compliance deadline for NS in Environmental Condition No. 8(A) with respect to the York Road/SR 74 at-grade crossing in Mechanicsburg, Cumberland County, PA, is extended 1 year until August 22, 2002.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary